



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2012-0032

Approved by Planning and Zoning: May 15, 2012

Permission is hereby granted to: Serendipitous, Inc.

to use the premises located at: 821 & 823 King Street and 103 North Alfred Street

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

May 15, 2012
Date

Faroll Hamer
Faroll Hamer, Director
Department of Planning and Zoning

DATE: May 14, 2012

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0032
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Serendipitous, Inc.
Location: 821 & 823 King Street and 103 North Alfred Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2012-0032 is a minor amendment request at an existing restaurant to: 1) add 10 indoor seats, 2) increase the closing hour from 8 p.m. to 9 p.m. daily, and 3) amend existing Condition #17 to allow alcohol to be served outdoors. No other changes to the operation are proposed and the applicant plans to continue serving homemade soups, salads and sandwiches at its restaurant operating under the trade name of Bittersweet.

Background

City Council first approved an SUP for a restaurant in this location in 1982. The business has since expanded or changed ownership on several occasions. SUP#2003-0123 and ENC2003-0011 were approved in 2004 to permit outdoor dining at this location prior to the establishment of the King Street Outdoor Dining program. Staff administratively approved SUP#2011-0013, the most recent SUP approval, to increase the hours of operation for the restaurant.

On May 7, 2012, staff visited the subject property and found 10 additional seats inside the restaurant and that public transportation information was not posted for employees, both of which are violations of the conditions of Special Use Permit #2011-0013. The applicant has applied for the 10 additional seats under this request, however, and promptly posted the required transit information. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Parking

Although the restaurant is located in the Central Business District (CBD) and is exempt from the typical off-street parking requirement, Condition #13, which has been carried forward here, requires the applicant to provide off-street parking for employees who drive to work.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Upper King Street Neighborhood Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff does not object to the minor amendment requests, which are consistent with Sections 11-511(A)(2)(a) and 11-511(A)(2)(b)(i)(a) and (b) of the Zoning Ordinance regarding minor amendment eligibility. Ten additional indoor seats and an additional hour of operation in the evening are minor increases that will not have an impact on the surrounding neighborhood. The change to Condition #16 to allow alcohol consumption in the outdoor dining area is also minor in nature and is consistent with current SUP practice. Unlike 2004, when the restaurant was first approved for outdoor dining and for off-premises alcohol, today alcohol consumption in outdoor dining areas is allowed as a routine matter throughout the City, including in the King Street Outdoor Dining zone.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 15, 2012

Action: Approved



Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2012-0032

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit is granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #1701-A)
2. **CONDITION AMENDED BY STAFF:** The maximum number of seats that Seating may be provided inside the restaurant for no more than 60 shall be 70 patrons. (P&Z) (SUP #1701)
3. Twenty four outdoor seats may be provided on the west side of the restaurant along Alfred Street, provided that a clear pedestrian pathway of five (5) feet is maintained. When outside dining facilities are provided, (1) litter shall be picked up as it is generated, and (2) the outside dining area shall be cleaned at the close of each day of operation, (3) the arrangement of tables, chairs and other decorative features shall not obstruct or impair handicap access, emergency egress, or access to fire department connections for the structure. (P&Z) (SUP#2003-0123)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be limited to 7:00 A.M. to ~~8:00 P.M.~~, 9 p.m. daily. The outdoor dining area shall be cleared of all tables and chairs by 8:00 P.M. and the area shall be cleaned and washed by 8:30 P.M. For indoor patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) (~~SUP#2011-0013~~)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1701)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #97-0065)
7. Condition deleted. (P&Z) (SUP #97-0065)
8. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (P&Z) (SUP #1701-A)
9. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #97-0065)

10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #97-0065)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #97-0065)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES) (SUP#2003-0123)
13. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (P&Z) (SUP#2011-0013)
14. Condition deleted. (P&Z)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and smoke~~ and any other air pollution from the operations at the site and from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. ~~(Health) (T&ES) (SUP#97-0065)~~
16. **CONDITION AMENDED BY STAFF:** ~~Alcohol is permitted for~~ On-premises alcohol service may be offered for indoor and outdoor consumption. ~~Consumption of alcoholic beverages in the outdoor seating area is not permitted.~~ Off-premise alcohol sales shall be limited to catering operations and to the sale of bottles of wine in quantities not less than 750 ml or beer in quantities not less than a six four-pack, with a minimum cost of \$7.00 per bottle or ~~six~~ four-pack. (P&Z) (SUP#2003-0123)
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the Special Use Permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2003-0123)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0123)

19. Condition deleted by staff (SUP#2011-0013)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2011-0013)
21. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail. (T&ES) (SUP#2011-0013)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

R-1 Carry forward conditions from SUP2011-00013:

8. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (P&Z/T&ES)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES)
13. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (P&Z)
15. **Amended by Staff:** The applicant shall control cooking odors, ~~and~~ smoke and any other air pollution from the operations at the site and ~~from the property to prevent them from leaving the property or~~ becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (~~Health~~)(T&ES)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
21. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail. (T&ES)

C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP2011-00013)

- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES) (SUP2011-00013)

Code Enforcement:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Acting Plan Review Supervisor at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Alterations to the existing structure and/or installation of equipment requires construction/alteration permits. Six sets of architectural quality drawings shall accompany the permit applications that fully detail the construction/alterations. The current SUP indicates an increase in occupancy. However, details are not clear as to where the increase will occur (indoor/outdoor). Additional information shall be provided upon submission for a building permit.
- C-2 Any proposed future alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.
- C-4 The addition of seating results in a change of use group classification. A new Certificate of Occupancy maybe required.
- C-5 The maximum occupant load permitted in any area, space or room is based on USBC 1004.1. Any assembly room or space that contains an occupant load of 50 or more will require a Fire Prevention Permit, as well as an approved permanent legible sign stating the occupancy load located at main exit or exit access doorway in the room or space.
- C-6 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).

- C-7 All electrical work that maybe required as a result in the increase in the seating shall comply with NFPA 70, 2008.
- C-8 Sufficient toilet rooms must be provided to accommodate the total occupancy load for restaurant staff and the combined indoor and outdoor patron seating capacity (USBC 2902.1).

Health Department:

- F-1 No comment

Parks and Recreation:

- F-1 No comments received

Police Department:

- F-1 No objection to minor amendment requests.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0032. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 821 and 823 King Street and 103 North Alfred Street.

Applicant - Signature

19 June 2012
Date

Applicant - Printed

19 June 2012
Date